UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/987
16 September 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS INTERIM ADMINISTRATION MISSION IN KOSOVO

I. INTRODUCTION

1. In my report to the Security Council of 12 July 1999 (S/1999/779), I gave an overview of the scope of the challenges facing the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Mission's plan to undertake its mandated task and objectives. The current report is issued pursuant to paragraph 20 of resolution 1244 (1999) of 10 June 1999, which requested me to report to the Council at regular intervals on the implementation of the resolution, and covers developments in Kosovo, Federal Republic of Yugoslavia, since my report of 12 July 1999.

II. OVERVIEW

2. Since its deployment, UNMIK has made significant progress. It has established structures at various levels that allow the people of Kosovo to provide expertise and to share responsibility and accountability for the development and future of the province. Foremost amongst these structures is the Kosovo Transitional Council (KTC), which meets on a weekly basis under the leadership of my Special Representative. This body brings together all major political parties and ethnic groups. Its establishment has given Kosovo residents an opportunity to have a direct input into the UNMIK decision-making process and to achieve consensus on a broad range of issues related to civil administration, institution-building and essential services, thereby creating a climate where participation in democratic processes is the norm.

3. The establishment of the Kosovo Transitional Council is an initial step towards the creation of a framework of wider and more inclusive democratic structures covering all aspects of life in Kosovo. To broaden the inclusive nature of the Council and to give it greater responsibility for the administration of Kosovo, my Special Representative has proposed the creation within it of four directorates covering housing, health, education and public utilities. The directorates would be chaired by two co-directors, one of whom would be an UNMIK representative, with the other drawn from the local community. The local director would be selected based upon criteria such as experience, technical expertise and ethnic and political balance. These directorates will

have the merit of involving the people of Kosovo in decision-making on these important issues.

4. The level and nature of violence in Kosovo, especially against vulnerable minorities, remains a major concern. Measures taken to address this problem are having a positive effect, but continued vigilance is necessary. KFOR deserves great credit for its efforts to provide a secure environment under extremely difficult conditions. The deployment of over 1,100 United Nations civilian police has also had an important effect. In addition, in response to the efforts of my Special Representative, senior Kosovo Albanian personalities, including the leadership of the Kosovo Liberation Army (KLA), have voiced increasingly forthright public positions on tolerance and security for minorities. Senior KLA figures have denied KLA involvement in attacks and called for non-Albanians to remain in Kosovo and repeatedly affirmed their commitment to human rights, tolerance and diversity. However, although these statements are a positive step, they seem, so far, to have had little effect in preventing attacks against minorities, the cessation of which would encourage Serbs and others to remain in Kosovo.

5. Hardening Serb attitudes towards Kosovo Albanians, driven in part by outside extremists, are helping to radicalize Albanians in Mitrovica. Tensions also continue in Orahovac where local Albanian residents are blocking the deployment of KFOR troops.

6. Around 4,000 of the 10,000 registered KLA combatants remain in assembly areas awaiting demilitarization, which KFOR expects to be completed by 19 September 1999. To be effective, arrangements for demilitarization must provide a future for former combatants, most of whom have a deep apprehension about their future. Opportunities to join the new police, fire and civil services, as well as registration of KLA members for civilian employment by the International Office of Migration (IOM), are useful but are not sufficient to absorb the bulk of KLA manpower. At the very least, unemployed and resentful former soldiers are a potential source of instability as the international community attempts to build a stable political system in Kosovo. In light of the foregoing, KFOR, in close consultation with my Special Representative, is developing a concept for demobilization of the KLA, offering individual members an opportunity to participate in a disciplined, professional, multi-ethnic civilian emergency corps. In accordance with its mandate, KFOR will provide day-to-day direction of the corps. The UNMIK civil administration component will continue to maintain responsibility for overall civil emergency management.

7. Significant problems have resulted from the as yet unresolved questions related to property rights. These are reinforcing ethnic divisions and complicating the process of return. As I noted in my report of 12 July 1999 (S/1999/779, para. 78), UNMIK, with the support of other international organizations and agencies, intends to establish a standard registry of property claims; redress legal measures on property taken in recent years that in anyway discriminate against any ethnic group; and rebuild the property and cadastral records. A mechanism will also be established to review property disputes.

III. HUMANITARIAN SITUATION

8. UNMIK, with the Office of the United Nations High Commissioner for Refugees (UNHCR) as the lead agency, is cooperating closely with the main United Nations humanitarian agencies - the World Food Programme (WFP), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) - as well as IOM, the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross Societies (IFRC). Strong links have also been established with the many non-governmental organizations and bilateral donors that have established a presence in Kosovo.

9. As of 4 September 1999, more than 770,000 refugees had returned to Kosovo through a combination of spontaneous and UNHCR-assisted movements. Awaiting return are an estimated 44,400 persons in neighbouring regions and countries, 37,000 evacuees in third countries and an unknown number of asylum-seekers. There is no accurate figure for the number of internally displaced persons, although it is estimated to be as high as 500,000.

10. In the period since mid-June 1999, non-Albanian groups, primarily Serbs and Roma, have been targets for harassment, intimidation and attacks. As a result, many have left Kosovo. According to the Yugoslav Red Cross, approximately 150,000 displaced persons have registered for assistance in Serbia and Montenegro since mid-June 1999. Freedom of movement for those who remain is extremely limited and, in some cases, virtually non-existent. In effect, non-Albanians are restricted from making use of public facilities such as hospitals or visiting shops and markets. UNHCR, humanitarian non-government organizations and KFOR have distributed assistance, including medical assistance, to these individuals in their homes or villages. As a last resort, UNHCR has been assisting people in urgent, life-threatening situations to leave Kosovo, as well as assisting transfers of vulnerable groups for purposes of family reunification. Efforts are, however, being made to create acceptable conditions for the return of those who have left temporarily.

11. Housing surveys have been conducted in more than 90 per cent of the war-affected villages. An estimated 50,000 houses are beyond repair and another 50,000 have sustained damage of up to 50 per cent, but are repairable. One of the most urgent tasks to be completed before winter is the temporary rehabilitation of the 50,000 repairable houses. UNHCR's emergency rehabilitation programme is designed to provide at least one warm and dry room for the duration of winter until more sustainable reconstruction can take place in spring. In excess of 55,000 shelter kits are being provided by UNHCR and international agencies; heating stoves will also be provided. These measures are being complemented by the provision of prefabricated shelters and direct repairs, as well as cash subsidies to enable residents to purchase supplies locally that can be used to improve the quality of weather-proofing or to winterize an additional room. Concurrent with housing rehabilitation are measures to restore public utilities, which remain precarious.

12. Should all these measures be fully implemented, the vast majority of the population would be housed, albeit temporarily, during the winter months. The occupants of the 50,000 houses that are beyond repair will, however, require alternative accommodation. Most are already living with host families and it is

expected that they will stay with them throughout the winter. These host families are provided with support and additional programmes are under consideration. However, the enormous difficulties with winterization make it highly unlikely that all measures will be in place by the start of the cold season. A number of contingency measures are being developed in case additional capacity is needed, including the identification of temporary community shelters and distribution of 15,000 heated, all-season tents that can accommodate about 90,000 people.

13. One priority area of concern is targeted assistance for women and children. UNHCR, UNICEF and international and local non-government organizations are implementing a series of projects under a "Kosovo Women's Initiative". Activities include psychosocial and community support, including counselling and skills development programmes; special health-care services to promote the needs of women and children; and, micro-finance and income-generation projects. IFRC, complemented by IOM, is working with Kosovo's Red Cross structure to support activities aimed at longer-term rehabilitation of health services, agriculture, village water systems, hospital training and psychosocial support. WHO is closely involved in the rehabilitation of the health sector.

14. The UNMIK Mine Action Coordination Centre is the focal point for the coordination of mine action activities in Kosovo. Under an integrated mine action programme, developed in close cooperation with various partners, including United Nations agencies, KFOR, ICRC, non-governmental organizations and commercial companies, 1.1 million square metres of land have been demined or cleared of unexploded ordnance. It is estimated that it will take more than two years to completely clear Kosovo of mines. Clearance priorities continue to target shelter reconstruction, the restoration of essential services and infrastructure, the rehabilitation of key installations and mined areas that pose an immediate humanitarian problem. Sixteen mine clearance organizations have been funded by various donors to undertake mine clearance tasks. Complementing mine action activities include mine-awareness programmes undertaken by 12 organizations at the provincial and community levels. Additionally, a mine victim surveillance programme is under way to identify victim assistance and rehabilitation requirements, as well as to determine clearance priorities.

IV. CIVIL ADMINISTRATION

15. UNMIK faces two simultaneous challenges: preparing for an interim administration and taking emergency measures to restore essential services. The orderly arrangements necessary for a credible interim administration, including consistency with international standards of efficiency, accountability and transparency, will take time to design, fund and implement. To fill critical administrative and economic gaps in the short term, UNMIK must, therefore, design and implement emergency measures in virtually every sector.

16. These emergency measures, as well as the establishment of more permanent ones, are being implemented by civil administration teams of international staff with professional expertise in a range of public administration functions. These staff are deployed in Pristina, the five regions of Kosovo and in 18 of

the province's 29 municipalities. The other 11 municipalities are covered through visits by designated civil administration officers from the regions or from larger municipalities in their vicinity. Activities are closely coordinated with KFOR.

A. Provision of public services

17. The civil administration component of UNMIK, working in close cooperation with KFOR, and acting largely through joint civilian commissions, has achieved considerable progress in the re-establishment of public services and utilities. The main post and telecommunications office and five sub-offices in Pristina have been reopened. The rubbish collection and disposal system has also been restored in the city and efforts are under way to revive services in the five regions. The United Nations trust fund for small-scale "quick impact" projects that will help the people of Kosovo return to normal life is operational and has already disbursed more than US$ 900,000. Following the restoration of the electricity power lines with the former Yugoslav Republic of Macedonia and Albania, the electricity system in Kosovo is currently capable of meeting two-thirds of the expected winter demand. Work is continuing, under the supervision of an international company, to ensure that the electricity system can meet full demand. Encouraging progress has been made in the reintegration of workers in the Kosovo Railway Enterprise where 350 Serbs have rejoined the workforce, among them, 120 individuals who have returned from Serbia. This represents the first time that Serbs who had left Kosovo have returned to their homes and jobs. Work is also continuing to revive the social welfare system.

18. To ensure the continuation of public services and to provide a minimum living standard for public employees, UNMIK is in the process of paying stipends to health workers, fire-fighters, judges, customs officers and education workers. Payments of stipends will be extended to all other categories of public employees. This is a temporary measure pending the development of a public service pay mechanism.

19. With European Union (EU) assistance, UNMIK has established, on an emergency basis, a customs system in Kosovo. Customs and excise duties as well as sales tax and exemptions have been established by a regulation issued by my Special Representative (all regulations issued to date by my Special Representative are attached in the annex to this report). All exports are exempt from customs duties. On 3 September 1999, customs duties collection began at the Djeneral Jankovic international border crossing with Kosovo and the former Yugoslav Republic of Macedonia. Customs operations at the other four international border crossings will begin in the coming weeks. To facilitate the customs operation, Kosovo importers and exporters have been registered and preparations are under way for the registration of commercial companies by the end of September 1999.

20. The personal identification documents of many Kosovo residents that were destroyed or lost in the conflict must be replaced, not least in order to establish a pre-electoral census. To respond to a growing request by the population, and to contribute to the battle against criminality and trafficking, the civil administration component should begin issuing temporary identification

cards to residents by 30 October 1999, with the hope of completing the process by mid-2000. To facilitate this process, every effort will be made to draw on existing data banks, including the information compiled by WFP on nearly 1,300,000 Kosovo Albanians and UNHCR's refugee registration system.

21. Under UNMIK coordination, more than 400 schools, only two of which are ethnically mixed, reopened for over 100,000 children on 1 September 1999. A key UNMIK goal is to enable the completion of the 1998-1999 academic year, which was disrupted by the conflict, and to prepare for the coming school year. At the tertiary level, UNMIK will ensure that all staff and students of both the Serb and Albanian educational systems have access to all faculties to prepare for and conduct examinations. Currently, minority students and staff, including Serbs, have been denied access to some educational facilities.

22. To support the resumption of schooling, 263 schools are currently under repair and most will become functional in October 1999. UNMIK is also obtaining printing paper for textbooks, school furniture and supplies and winterized tents for sites where school buildings have been completely destroyed. KFOR and UNMIK have made the necessary arrangements to provide security to staff and students at all educational institutions.

B. Establishment of multi-ethnic governmental structures

23. Four joint civilian commissions, under UNMIK's leadership or co-leadership, are currently operating in the health, education, energy and public utilities and post and telecommunications sectors. Two of the commissions are multi-ethnic, but no Kosovo Serbs have yet agreed to join the other two. Following my Special Representative's decision to begin establishing directorates for some aspects of public administration (see para. 3 above), it is intended that the health and education commissions will be replaced by such directorates, which will exercise executive powers under the authority of my Special Representative.

24. By the first week in September, civil administration officers were chairing or supervising the work of the senior municipal bodies in 9 of Kosovo's 29 municipalities. In all nine municipalities, the municipal body advises the UNMIK administrator on municipal administration matters. In some cases, the municipal body also carries out management and technical functions. All of Kosovo's municipalities are functioning to varying degrees and by the end of the month all will be under direct civil administration supervision.

C. Police

25. As stated in my report of 12 July 1999 (S/1999/779), the Mission's international police component will consist of three separate elements: civilian police, special units and border police.

26. UNMIK's civilian police has expanded its presence in Kosovo, concentrating resources first on the city of Pristina and its surrounding region, where approximately one third of the crimes reported in Kosovo occur. UNMIK civilian

police will extend law enforcement operations to each of the four other regions in turn with preparations for operations in the Prizren region already under way. In Pristina, UNMIK police have taken over authority for police investigations for the city and are conducting the full range of police activities in the city's four main police districts. Patrolling and protection is now expanding to the entire Pristina region. Three police sub-stations, operating on a 24-hour basis, have been set up in high crime areas to address, in particular, the ongoing pattern of violence directed against the Serb and Roma population. Joint patrols are undertaken with KFOR, which has deployed an additional 200 soldiers for patrolling duties in the city.

27. UNMIK police are also operating a small police detention facility in Pristina. This is the only civilian detention facility in Kosovo and it serves the short-term demands of UNMIK pending the re-establishment of full correctional functions. The urgent need to increase the capacity of detention and corrections facilities is presently a high priority, and will depend upon timely financial and logistical support from contributing Governments. An appropriate detention facility has already been identified at Istok and emergency repairs have ensured that it can receive up to 170 prisoners. Further repairs and refurbishment are, however, required. It is anticipated that this facility will be partially functional by the end of September 1999. UNMIK civilian police will provide, on an emergency basis, staffing to maintain security at the prison. It is, however, imperative that international prison officers be urgently provided to take on this role.

28. Eighty-two UNMIK police officers have been deployed at the major border crossings with Albania and the former Yugoslav Republic of Macedonia. Officers assigned to UNMIK's Border Police division are currently conducting vehicle checks, as well as control of passports and other personal documents. Joint border patrols with KFOR are being carried out and UNMIK is conducting further surveys to identify border security priorities. Effective border control will be crucial to preventing smuggling and reducing organized crime activities in Kosovo. It is becoming evident that a greater number of border police than initially envisaged will be required to perform these tasks and my Special Representative has recommended an increase in the number of officers from 205 to 364.

29. In addition to 169 unarmed International Police Task Force (IPTF) monitors temporarily transferred from the United Nations Mission in Bosnia and Herzegovina (UNMIBH), UNMIK has deployed over 1,100 civilian police officers from 25 nations. Most of the remaining UNMIK civilian police should be deployed by 15 October 1999. However, even at full deployment, the ratio of police to inhabitants will remain well below the norm of that in other countries. It is clear, therefore, that more international police are needed until sufficient numbers of newly trained Kosovo Police Service officers are available. My Special Representative estimates that a significant increase in the number of civilian police officers may be required. The exact additional requirements are still being determined. Additional human rights and legal advisers are also urgently required within the UNMIK police structure. As regards the Special Police Units, intensive efforts are continuing to ensure their early deployment so that they may provide support for UNMIK civilian police. I hope that Member States will urgently provide the necessary personnel for this task.

30. Development of the future Kosovo Police Service, which will operate under the authority and control of the UNMIK Police Commissioner, is proceeding rapidly through close cooperation between the UNMIK civil administration and the institution-building component led by the Organization for Security and Cooperation in Europe (OSCE). The latter component is responsible for establishing and managing the Kosovo Police Service training school in Vucitrn, which inducted the first multi-ethnic class of 200 cadets on 7 September 1999. These first 200 cadets were selected from more than 19,500 applicants, 400 of whom were short-listed, interviewed and vetted by UNMIK civilian police and the training school personnel. The recruitment and selection process was fully transparent and extensive consultation with concerned groups and parties was undertaken by the Police Commissioner prior to the final class selection. Unfortunately, despite various confidence-building measures undertaken by UNMIK, Serb cadets remain concerned about their security. Candidates who successfully complete the training school will be deployed for field training under the control of UNMIK civilian police officers starting in mid-October.

D. Judicial affairs

31. In my previous report, I outlined the organization of the Judicial Affairs Office, including its four areas of responsibility - two in operational areas and two in policy development. The latter two deal with the development of legal policies and the review and drafting of legislation. In view of the interrelationship of these functions with those of the legal adviser to my Special Representative, it has been decided to incorporate these functions within the legal adviser's office. Consequently, the Judicial Affairs Office will focus on operational issues, including the administration of courts, prosecution services and prisons.

32. UNMIK, in consultation with a Joint Advisory Council, has appointed 36 judges and 12 prosecutors on a provisional basis. The majority are Kosovo Albanian, but Serbs, Muslims, Roma and Turks are also represented. Of the seven Serb judges appointed, two have left Kosovo. An Advisory Judicial Commission has been created with the task of recommending suitable candidates for appointment on a permanent basis as judges and prosecutors. A Technical Advisory Commission has also been established to advise UNMIK on the structure and administration of the judiciary and prosecution services and to make recommendations for the establishment of the Supreme Court of Kosovo. Pending the establishment of the Supreme Court, an ad hoc court of appeal will serve as a higher court.

33. A review, conducted by legal experts from the Council of Europe, is under way on four major bodies of law applicable in Kosovo, including the criminal codes, the criminal procedure code and the laws on internal affairs and public peace and order. The review, which will be completed by October 1999, will make recommendations to bring the laws in line with international human rights standards and regulations, resolution 1244 (1999) and UNMIK regulations. Kosovo legal professionals will also participate in the review.

V. INSTITUTION-BUILDING

34. The Organization for Security and Cooperation in Europe (OSCE) is in the lead in respect of the institution-building tasks of UNMIK described below.

A. Media affairs

35. A new public broadcasting service, known as Radio-Television Kosovo, is being developed by the institution-building component. In the interim, Radio Pristina is operating under international supervision and has been broadcasting programmes since 28 June 1999 in the Albanian, Serbian and Turkish languages. A legal framework is currently under preparation for its operations removing it from direct political control. Once this framework is in place, Radio-Television Kosovo will operate under its own management.

B. Democratization

36. To encourage the development of political parties and to provide support for their activities, political party support centres are being established. These centres will provide telephone, facsimile and computer support, on a shared basis, to all Kosovo political parties. The first five facilities will open in September, with five more to follow in October. In addition, the development of local non-governmental organizations is supported through the coordination of training assistance so that local organizations can improve their project development skills and publicize their activities in a more effective manner. Assistance will also be provided to other representative bodies in Kosovo.

C. Human rights

37. Human rights monitors, working closely with the humanitarian component and the Office of the United Nations High Commissioner for Human Rights (UNHCHR), are active throughout Kosovo. In several instances, monitors have intervened with the KLA to secure the release of abducted Serbs in Gnjilane and Orahovac. In addition to human rights monitoring, a human rights training unit has been set up to provide training to local human rights organizations. Programmes in monitoring, investigating and reporting on human rights issues and intervention will be conducted. The unit will also coordinate with the Council of Europe and international and local non-government organizations in training local human rights defenders in international standards and mechanisms. Work is also continuing on the establishment of an ombudsman's office. At least 2,000 persons are believed to be missing from or within Kosovo. A focal point for issues related to missing persons has also been established within the institution-building component and works closely with ICRC and the International Commission on Missing Persons. The issue of missing persons is a highly sensitive and important problem for the people of Kosovo and it is being addressed by the Kosovo Transitional Council, which has established a subcommission for this purpose.

D. Judicial issues

38. The institution-building component provides support to the operations of the judicial system. An emergency judicial system was initiated on 30 June 1999 with the opening of the District Court in Pristina. Other courts have been established in Prizren, Pec, Gnijlane and Mitrovica. To supplement these, two mobile courts are in operation, which have, since 2 July 1999, reviewed 248 cases involving 552 persons. The institution-building component is also involved in the selection of judges and prosecutors and has, so far, interviewed 526 individuals, of whom 48 have been selected.

VI. ECONOMIC RECONSTRUCTION

39. With the European Union (EU)in the lead for the rehabilitation and reconstruction tasks of UNMIK, economic activity in Kosovo has restarted rapidly, even if only partially, in areas such as retail trade, agriculture and basic services. This is, however, insufficient to overcome the effects of conflict and years of neglect and under-investment. As a result, domestic output remains limited and there is the continuing prospect of serious economic hardship for many, which will be compounded by the effects of the coming winter. To encourage external investment, transparent procedures, structures and licensing arrangements, which will also help to undermine organized crime in Kosovo, are being developed.

40. The first priority in economic reconstruction is the resumption of basic public utilities. This has been largely achieved; the most urgent repairs are under way and financing for power sector operations through the winter has been secured. Despite this, the power, water and heating sectors remain highly precarious. Another high priority, the restoration of telecommunications, will require several months to show results.

41. UNMIK has put into place the first of the basic institutions and legal frameworks needed for a normally functioning economy. An economic policy board has been established, co-chaired by the Deputy Special Representative for Reconstruction and an eminent Kosovo economist, and including a broad range of local economic expertise.

42. In the areas of payments and banking, a regulation permitting unrestricted use of foreign currencies in transactions, alongside the Yugoslav dinar, was issued. Work is well advanced in designing a modern payments system and a private banking sector that will both be conducive to economic development and tightly regulated to protect its depositors. The establishment of the basic legal framework for this will be done by regulations approved by my Special Representative, taking into account the recommendations of the economic policy board. This is expected to be completed shortly. Thereafter, the envisaged measures are designed to make the greatest possible use of existing infrastructure and skills so as to be operational as soon as possible. A basic payments system should be operational shortly and banking activity should begin well before the end of the year.

43. A major milestone in public finance was the establishment of a customs administration and the initiation, in early September 1999, of revenue collection. UNMIK is also developing a Central Fiscal Agency (CFA) that will prepare and implement a provisional Kosovo budget. This exercise is under way in collaboration with the civil administration. It will establish a systematic means of setting spending priorities and matching expenditure to local and donor resources. The Central Fiscal Agency will act to assure international donors that requests for additional funding are based on a solid assessment of requirements and that funds will be allocated through a fully transparent budgetary procedure. Currently, Kosovo's public revenue base consists only of customs and excise duties and sales taxes on imported goods. The introduction of further simple taxes is foreseen for next year in order to ensure that the Kosovo public sector is self-sustaining as soon as possible.

44. UNMIK is developing priorities for reconstruction and an investment framework. The priority areas are housing, infrastructure, agriculture and reviving industry. For the revival of industry, there are two main themes. First, the modernization and reconstruction of existing industry, which will require capital and extensive training. Second, the promotion of new industry, especially small and medium-sized firms, which will require both technical assistance and micro-credit facilities.

VII. OBSERVATIONS

45. UNMIK has made important strides over the past 12 weeks. Today's Kosovo bears little resemblance to that of mid-June 1999; most refugees are home, the informal economy is thriving and efforts are under way to restore law and order as well as security throughout the province. However, Kosovo's future is not yet secured and there remains a threat that these gains might be reversed if UNMIK is unable to address three pressing challenges in the coming weeks and months.

46. First, is the establishment and cementing of the rule of law and the authority of UNMIK. This is essential for the retention of a multi-ethnic Kosovo and for the creation of conditions necessary for those who have left Kosovo to return. The international community must make it clear to extremists that it cannot and will not tolerate ethnically motivated murders and violence. It must also make it clear to the Kosovo political leadership that they must make far greater efforts to restrain and redirect the emotions unleashed by the conflict. The international community must also redouble its own efforts to provide a secure environment, especially for Kosovo's vulnerable minorities. Towards this end, an increase in the UNMIK civilian police strength, rapid deployment of international civilian police officers and the development of the Kosovo Police Service are essential. In the longer term, it will be important to ensure the development of the Service as a pluralistic, multi-ethnic and depoliticized body that enjoys the confidence of all in Kosovo. This will require continuing international involvement through both formal and informal training and support. Equal attention must be paid to the judiciary and the penal system. All bodies must conform to internationally accepted human rights standards in order to enjoy both the confidence and respect of the people of Kosovo.

47. The second pressing priority is the provision of temporary winterized accommodation for the almost 350,000 people in need. Most at risk are those who live in rural or high altitude communities. Most of the damaged and destroyed houses cannot be permanently repaired before winter, nor is it within the scope or capacity of humanitarian agencies to do this work. The emergency rehabilitation programme is thus aimed at ensuring that all residents have at least temporary housing until next spring. Attention must also be directed towards the rehabilitation of public utilities. As winter approaches, Kosovo has only two thirds of its winter electricity requirements and, despite repairs, the electricity system remains fragile. International support is vital. In addition, early planning for longer-term reconstruction and development will be crucial to ensure a smooth transition from the current emergency relief phase. It is essential that humanitarian activities be closely coordinated with those devoted to reconstruction.

48. Third, to ensure the future stability of Kosovo, it is important that the international community ensure the demobilization of the KLA and other armed elements. Sufficient funds and resources should be provided to enable former combatants to find opportunities for employment. Without such support, there is a real threat that former fighters may become an obstacle to the implementation of resolution 1244 (1999) by refusing to disarm or by engaging in criminal activities. Either situation would have negative consequences for the international community's efforts to build a secure, multi-ethnic and democratic society in Kosovo.

49. In addition to the increased security and political measures taken by the international community, it is the establishment of the Kosovo Transitional Council and the active involvement, on a consultative basis, of political and local leaders in the executive functions of UNMIK that is expected to provide the most important confidence-building mechanism in the medium term for the improvement of the overall situation in Kosovo. I strongly encourage all ethnic communities to participate constructively in this body, as the only path to a future political settlement in Kosovo lies in cooperation with UNMIK and adherence to the provisions of resolution 1244 (1999).

50. The support given by the international community to UNMIK has underpinned the Mission's progress. If the gains made are not to be eroded, the international community must continue to offer consistent and long-term political, material and financial support to the Mission. Of critical importance to the Mission's success will be the provision of voluntary contributions to fund the salaries of local public servants and other public activities pending receipt of sufficient monies within the Kosovo budget. I urgently appeal to all Member States to contribute generously to the United Nations trust fund set up for this purpose.

Annex

Regulations issued by the Special Representative of the Secretary-General as at 16 September 1999

UNITED NATIONS
United Nations Interim
Administration Mission
in Kosovo

NATIONS UNIES
Mission d'Administration
Intérimaire des Nations Unies
au Kosovo

UNMIK

UNMIK/REG/1999/1
25 July 1999

REGULATION NO. 1999/1

ON THE AUTHORITY OF THE INTERIM ADMINISTRATION IN KOSOVO

The Special Representative of the Secretary-General,

Recalling resolution 1244 (1999) of 10 June 1999, whereby the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, authorized the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), in order to provide an interim administration in Kosovo with the mandate as described in the resolution;

Acting pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999, and for the purpose of establishing and maintaining the interim administration in the territory of Kosovo,

Hereby promulgates the following

Section 1
Authority of the interim administration

1 All legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General

2 The Special Representative of the Secretary-General may appoint any person to perform functions in the civil administration in Kosovo, including the judiciary, or remove such person Such functions shall be exercised in accordance with the existing laws, as specified in section 3, and any regulations issued by UNMIK

Section 2
Observance of internationally recognized standards

In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards and shall not discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status

Section 3
Applicable law in Kosovo

The laws applicable in the territory of Kosovo prior to 24 March 1999 shall continue to apply in Kosovo insofar as they do not conflict with the standards referred to in section 2, the fulfilment of the mandate given to UNMIK under United Nations Security Council resolution 1244 (1999), or the present or any other regulation issued by UNMIK

Section 4
Regulations issued by UNMIK

In the performance of the duties entrusted to the interim administration under United Nations Security Council resolution 1244 (1999), UNMIK will, as necessary, issue legislative acts in the form of regulations. Such regulations will remain in force until repealed by UNMIK or superseded by such rules as are subsequently issued by the institutions established under a political settlement, as provided for in United Nations Security Council resolution 1244 (1999)

Section 5
Entry into force and promulgation of regulations issued by UNMIK

5.1 UNMIK regulations shall be approved and signed by the Special Representative of the Secretary-General. They shall enter into force upon the date specified therein

5.2 UNMIK regulations shall be issued in Albanian, Serbian and English. In case of divergence, the English text shall prevail. The regulations shall be published in a manner that ensures their wide dissemination by public announcement and publication

5.3 UNMIK regulations shall bear the symbol UNMIK/REG/, followed by the year of issuance and the issuance number of that year. A register of the regulations shall indicate the date of promulgation, the subject matter and amendments or changes thereto or the repeal or suspension thereof

Section 6
State property

UNMIK shall administer movable or immovable property, including monies, bank accounts, and other property of, or registered in the name of the Federal Republic of Yugoslavia or the Republic of Serbia or any of its organs, which is in the territory of Kosovo

Section 7
Entry into force

The present regulation shall be deemed to have entered into force as of 10 June 1999, the date of adoption by the United Nations Security Council of resolution 1244 (1999)

Dr Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

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Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/1999/2
12 August 1999

REGULATION NO. 1999/2

ON THE PREVENTION OF ACCESS BY INDIVIDUALS AND THEIR REMOVAL TO SECURE PUBLIC PEACE AND ORDER

The Special Representative of the Secretary-General,

Acting pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999, and for the purpose of maintaining public peace and order in the territory of Kosovo;

Hereby promulgates the following:

Section 1
Temporary Removal and Prevention of Access

1.1. The relevant law enforcement authorities may temporarily remove a person from a location, or prevent access by a person to a location, if this is necessary in the opinion of the law enforcement authorities and in light of the prevailing circumstances on the scene, to prevent a threat to public peace and order.

1.2. A threat to public peace and order may be posed by any act that jeopardizes:

(a) the rule of law;
(b) the human rights of individuals;
(c) public and private property;
(d) the unimpeded functioning of public institutions

1.3. The relevant law enforcement authorities may temporarily remove a person from a location, or prevent access by a person to a location, if this is necessary in the opinion of the law enforcement authorities and in light of the prevailing circumstances on the scene, to prevent interference with the carrying out of the duties of the fire department, the delivery of first aid, or any other emergency activity.

Section 2
Temporary Detention

2.1. The relevant law enforcement authorities may temporarily detain a person, if this is necessary in the opinion of the law enforcement authorities and in light of the prevailing circumstances on the scene, to remove a person from a location, or to prevent access by a person to a location in accordance with section 1 of the present regulation.

2.2. The detention may last only so long as necessary to carry out the actions specified in section 1 of the present regulation and in any case no longer than 12 hours.

Section 3
Entry into Force

The present regulation shall enter into force on 12 August 1999.

B. Kouchner

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/1999/3
31 August 1999

REGULATION NO. 1999/3

ON THE ESTABLISHMENT OF THE CUSTOMS AND OTHER RELATED SERVICES IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of establishing customs and other related services at the inland customs houses and international borders of Kosovo,

Hereby promulgates the following:

Section 1
Customs and Excise Duties and Sales Tax

1.1 All goods of any type destined exclusively for Kosovo are subject to a customs rate equal to ten percent (10%), for a transitional period, with the exception of the goods listed in Annex I, for which the custom rate equals zero percent.

1.2 All goods listed in Annex II, which are imported and destined exclusively for Kosovo, are subject to excise duties, as indicated in that Annex. Such excise duties shall, for administrative reasons, be collected at the border posts.

1.3 As a temporary measure, a sales tax shall be levied at a rate of fifteen percent (15%) on the taxable value of all imported goods destined exclusively for Kosovo, with the exception of those listed in Annex III. Such taxable value shall be calculated in accordance with Section 1.4 below.

1.4 For the purpose of calculating the sales tax, the value of all imported goods will consist of the total customs value, including customs and excise duties.

1.5 The list of goods as well as the corresponding customs and excise duties, and sales taxes, as specified in Annexes I, II, and III, shall be subject to periodic review.

Section 2
Restrictions

Quantitative restrictions on imports are hereby suspended until further notice.

Section 3
Allocation of Revenues

The revenues derived from customs and excise duties and sales taxes on goods destined for Kosovo will be allocated to the Kosovo budget.

Section 4
Administrative arrangements

4.1 This Regulation shall be implemented under the overall authority and supervision of UNMIK by customs officials, police and security forces and any other authority designated by the Special Representative of the Secretary-General.

4.2 The Special Representative of the Secretary-General may invite customs officials who have hitherto held office in the customs service in Kosovo to continue in office.

4.3 UNMIK shall receive and review individual applications from persons with the requisite qualifications to hold office in the customs service.

4.4 Appointments to the customs service in Kosovo shall be made by the Special Representative of the Secretary-General.

4.5 In exercising their functions customs officials shall observe the internationally recognized standards set out in Section 2 of UNMIK Regulation No. 1999/1 of 25 July 1999

Section 5
Scope

The Special Representative of the Secretary-General shall specify from time to time the border posts and inland customs houses where customs control and final clearance shall be exercised.

Section 6
Implementation

The Special Representative of the Secretary-General shall have the power to give administrative directions and orders in relation to the implementation of this Regulation.

Section 7
Applicable Law

The provisions of the applicable laws relating to customs and excise duties and sales tax shall apply in Kosovo subject to Sections 1, 2, 3, 4, 5, and 6 above.

Section 8
Entry into Force

This Regulation shall enter into force on 1 September 1999.

B. Kouchner

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/1999/4
2 September 1999

REGULATION NO. 1999/4

ON THE CURRENCY PERMITTED TO BE USED IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of regulating the use of currencies in Kosovo,

Hereby promulgates the following:

Section 1
Freedom of Contract

Parties to a contract or any other voluntary transaction may denominate such transaction in any currency agreed upon by the parties. Unless proven otherwise, such an agreement shall be deemed to exist with regard to any foreign currency that is widely accepted in the territory of Kosovo.

Section 2
Removal of Restrictions

2.1 Any restriction, under the laws applicable in the territory of Kosovo prior to 24 March 1999, including any applicable foreign exchange controls, on the possession, use, or disposition of any currency, whether in specie or in a bank or any other type of account, whether situated inside or outside the territory of Kosovo, is hereby removed.

2.2 In this Section, "restrictions" include those punishable under Articles 114 - 119 or otherwise provided for or indicated in any other provision of the Law on Foreign Currency Operations, Official Gazette of the Federal Republic of Yugoslavia 12/95, 28/96, 29/97, 35/97.

Section 3
Budgets, Financial Records and Accounts

The budgets, financial records and accounts of all physical and legal persons, including private enterprises, public bodies, agencies or institutions and UNMIK shall be made in a currency or currencies designated in accordance with an administrative direction promulgated by the Special Representative of the Secretary-General pursuant to Section 5.

Section 4
Compulsory Payments

4.1 Compulsory payments may be assessed and required to be paid in a currency or currencies, as designated in the administrative direction referred to in Section 3 above.

4.2 A person wishing to pay in Dinars a compulsory payment that is required under Section 4.1 to be paid in another currency, may do so at the reference exchange rate applicable on the day of payment but shall be charged an additional administrative fee to cover handling and transaction costs.

4.3 In this Section:

i "Compulsory payment" means any payment, other than under a contract or any other voluntary transaction, made to a public authority and includes the payment of taxes, customs and excise duties, levies, fees, charges and penalties, as well as any payment to public utilities or pursuant to a court order;

ii "Dinar" means the official currency of the Federal Republic of Yugoslavia issued by the National Bank of Yugoslavia under the Law of the National Bank of Yugoslavia, Official Journal of the Federal Republic of Yugoslavia Nos. 32/93, 35/93, 41/94, 61/95, 28/96, and 29/97, effective as of 3 July 1993, and in its current version as of 5 July 1997; and

iii "Reference exchange rate" means the exchange rate between the Dinar and the designated currency quoted from time to time on the basis of market conditions.

Section 5
Implementation

The Special Representative of the Secretary-General shall have the power to give administrative directions and orders in relation to the implementation of this Regulation.

Section 6
Applicable Law

Article 49 of the Law of the National Bank of Yugoslavia, Articles 8-10 of the Regulation on the New Dinar, Official Journal of the Federal Republic of Yugoslavia Nos. 6/94, 12/94 and 57/94, and any other limitation or restriction on the use of a foreign currency as a money of either account or payment under the laws applicable in the territory of Kosovo prior to 24 March 1999 shall cease to apply in Kosovo insofar as it conflicts with any provision of this Regulation.

Section 7
Entry into Force

This Regulation shall enter into force on 2 September 1999.

B. Kouchner

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/1999/5
4 September 1999

REGULATION NO. 1999/5

ON THE ESTABLISHMENT OF AN AD HOC COURT OF FINAL APPEAL AND AN AD HOC OFFICE OF THE PUBLIC PROSECUTOR

The Special Representative of the Secretary General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of enhancing the administration of justice in Kosovo pending a more thorough review,

Hereby promulgates the following

Section 1

Court of Final Appeal

1.1 There shall be established, ad hoc, a Court of final appeal, which shall have the powers of the Supreme Court which exercised jurisdiction in Kosovo, as regards appeals against decisions of District Courts in the sphere of criminal law and also as regards detention terms.

1.2. The Court shall be composed of five judges including the President of the Court. The Special Representative of the Secretary General shall appoint the judges, including the President, following consultations with the Joint Advisory Council on Provisional Judicial Appointments. Additional judges also may be appointed if required, following the same procedure.

Section 2

Public Prosecutor's Office

A Chief Public Prosecutor and a deputy Public Prosecutor shall be appointed, ad hoc, to discharge the duties prescribed by law for the Public Prosecutor's Office in Kosovo. They shall be appointed by the Special Representative of the Secretary General following consultations with the Joint Advisory Council on Provisional Judicial Appointments.

Section 3

Criteria for selection and appointment of the judges and the Prosecutor

The candidates selected for appointment as judges of the Court and as Prosecutors shall satisfy the following criteria:

a) have served for at least twelve years as a judge or Public Prosecutor;

b) be of high moral character, impartiality and integrity;

c) not have a criminal record;

d) not have participated in discriminatory measures or applied any repressive law or have implemented any dictatorial policies;

e) not be registered with any political party or otherwise engaged in political activity;

Section 4

Appointment and term of office

4.1 Upon appointment, each judge shall subscribe to the following oath or solemn declaration before the Special Representative of the Secretary-General:

" I swear (or solemnly declare) that I will perform my duties and exercise my powers as a judge of the ad hoc Court of Final Appeal honourably, faithfully, impartially and conscientiously."

4.2. Upon appointment, each Prosecutor shall subscribe to the following oath or solemn declaration before the Special Representative of the Secretary-General:

" I swear (or solemnly declare) that I will perform my duties and exercise my powers as a Prosecutor honourably, faithfully, impartially and conscientiously."

4.3. The Special Representative of the Secretary-General may remove a judge or the Prosecutor from office on any of the following grounds:

a) failure to meet the criteria specified in section 3 of the present regulation;

b) physical or mental incapacity which is likely to be permanent or prolonged ;

c) serious misconduct;

d) failure in the due execution of office; or

e) having been placed, by personal conduct or otherwise in a position incompatible with the due execution of office.

4.4. If the Special Representative of the Secretary-General becomes aware of evidence that indicates that a judge or a Prosecutor has failed to comply with his or her obligations under the present regulation the Special Representative of the Secretary-General shall inform the judge or Prosecutor of the charge and consider his or her response before taking any action other than temporary suspension of the judge or Prosecutor pending resolution of the charge. The Special Representative of the Secretary-General after consultation with the Joint Advisory Council on Provisional Judicial Appointments may remove the judge or Prosecutor from office if he considers that the charge is established

Section 5

Procedure

Depending on the nature of the issue to be considered, the Court shall sit in a panel of three judges or five judges.

Section 6

Term of office

The Court shall function and the Prosecutors shall exercise their respective duties until the Supreme Court of Kosovo is re-established.

Section 7

Honorarium and facilities

7.1. The honorarium to be paid to the judges and to the Prosecutors shall be determined by the Special Representative of the Secretary-General.

7.2. The facilities required for the functioning of the Court and of the Prosecutor's office shall be provided by the Special Representative of the Secretary-General.

Section 8

Applicable law

This regulation shall supersede any provision in the applicable laws relating to the appointment and removal from office of judges of the Court and of Prosecutors which is inconsistent with it.

Section 9

Final provision

This regulation shall enter into force on 4 September 1999.

B. Kouchner

Bernard Kouchner

Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/1999/6
7 September 1999

REGULATION NO. 1999/6

ON RECOMMENDATIONS FOR THE STRUCTURE AND ADMINISTRATION OF THE JUDICIARY AND PROSECUTION SERVICE

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of enhancing the administration of justice in Kosovo,

Hereby promulgates the following:

Section 1
The Technical Advisory Commission on Judiciary and Prosecution Service

The Technical Advisory Commission on Judiciary and Prosecution Service (hereinafter called the Commission) is hereby established to advise the Special Representative of the Secretary-General on the structure and administration of the judiciary and the prosecution service in Kosovo.

Section 2
Composition

The Commission shall be composed of ten local and five international members, chosen for their integrity, professional skills and experience. The Commission's composition shall also adequately reflect knowledge of the structure and working hitherto of the judiciary and the prosecution service.

Section 3
Appointment

The individual members shall be selected and appointed by the Special Representative of the Secretary-General in accordance with the criteria specified in section 2 above, after appropriate consultations.

Section 4
Rules of procedure

The Commission shall adopt its rules of procedure.

Section 5
Terms of reference

5.1 The Commission shall:

a) in the light of the existing conditions, assess the present and long term requirements of Kosovo as regards the number, levels and categories of judicial bodies;

b) advise on the early re-establishment of the Supreme Court for Kosovo after appropriate joint consultations with the Advisory Judicial Commission and the Special Joint Advisory Council on Legislative Matters;

c) assess the present and long term requirements of Kosovo for the prosecution service.

5.2 The Commission shall submit its report and recommendations, with the reasons therefor, to the Special Representative of the Secretary-General and shall use its best efforts to submit the report within thirty days after its constitution.

Section 6
Honorarium and facilities

6.1 The honorarium to be paid to the members of the Commission shall be determined by the Special Representative of the Secretary-General.

6.2 The facilities required for the functioning of the Commission shall be provided by the Special Representative of the Secretary-General.

Section 7
Final provision

This regulation shall enter into force on 7 September 1999

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Interimaire des Nations Unies au Kosovo

UNMIK/REG/1999/7
7 September 1999

REGULATION NO. 1999/7

ON APPOINTMENT AND REMOVAL FROM OFFICE OF JUDGES AND PROSECUTORS

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of establishing an independent and multi-ethnic judiciary in Kosovo,

Hereby promulgates the following

Section 1
The Advisory Judicial Commission

1.1 The Advisory Judicial Commission (hereinafter called the Commission) is hereby established to advise the Special Representative of the Secretary-General on matters related to the appointment of judges and prosecutors as required, as well as on complaints, if any, against any judge or prosecutor. Upon request from the Special Representative of the Secretary-General, the Commission may tender advice on other issues related to the judicial system.

1.2 The Commission shall be independent in the exercise of its functions.

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Section 2
Composition

2.1 The Commission shall be composed of eight local and three international experts. The composition of the Commission shall be multi-ethnic and reflect varied legal expertise. Both local and international members of the Commission shall be distinguished legal professionals meeting the highest standards of efficiency, competence and integrity. They shall be independent and impartial. They shall not hold public office or any other position incompatible with their functions as members of the Commission.

2.2 The individual members shall be selected and appointed by the Special Representative of the Secretary-General in accordance with the above principles after appropriate consultations.

Section 3
Appointment and term of office

3.1 Upon appointment, each member of the Commission shall subscribe to a solemn oath or declaration before the Special Representative of the Secretary-General. The form of the oath or declaration shall be as follows:

"I solemnly declare and promise to discharge the functions entrusted to me by UNMIK regulation 1999/7 of 7 September 1999 strictly according to its terms and not to seek or accept instructions in regard to the performance of these duties from any source other than the Special Representative of the Secretary-General."

3.2 If the Special Representative of the Secretary-General becomes aware of evidence that indicates that a member of the Commission has failed to comply with his or her obligations under the present regulation the Special Representative of the Secretary-General shall inform the member of the charge and consider the member's response before taking any action other than temporary suspension of the member pending resolution of the charge. The Special Representative of the Secretary-General may remove the member from office if he considers that the charge is established.

3.3 The term of office of the members of the Commission shall be one year. This term may be renewed.

Section 4
Procedural issues

4.1 The Commission shall adopt its rules of procedure.

4.2 The Commission may as necessary form committees for the efficient discharge of its duties.

4.3 The Commission shall convene meetings as required or upon request by the Special Representative of the Secretary-General.

Section 5
Functions and objectives

5.1 The Commission shall invite, by public announcement, applications of legal professionals in Kosovo for service as judges or prosecutors. It shall review the individual applications and make its recommendation in writing to the Special Representative of the Secretary-General on candidates indicating the reasons therefor.

5.2 In reviewing individual applications, the Commission members shall be guided by UNMIK's goal to establish a professional, independent, impartial and multi-ethnic judiciary and prosecution service.

Section 6
Criteria for selection of candidates

6.1 Applicants for service as judges or prosecutors shall satisfy the following criteria:

a) have a university degree in law;

b) have passed the examination for candidates for the judiciary, or, in the case of applicants for the position of a judge in the Minor Offences Court, have passed the professional examination;

c) be of high moral integrity;

d) not have a criminal record;

e) not have participated in discriminatory measures, or applied any repressive law or have implemented dictatorial policies;

f) not be registered with any political party or otherwise engage in political activity.

6.2 Except in the case of positions in the Minor Offences Court, applicants should have relevant work experience in the field of law, i.e. three years for the position of a Municipal Court judge (or prosecutor) or of a judge of Minor Offences Appeals body, seven years for the position of a District Court judge (or prosecutor) and four years for the position of a Commercial Court judge.

Section 7
Appointment and removal from office of judges and prosecutors

7.1 The Special Representative of the Secretary-General shall appoint judges and prosecutors taking into account the recommendation of the Commission under section 5.1 above.

7.2 A judge or prosecutor shall not hold any other public or administrative office or engage in any occupation of a professional nature, whether remunerative or not, or otherwise engage in any activity incompatible with his or her functions.

7.3 A complaint regarding a judge shall be referred to the Special Representative of the Secretary-General, who shall consult the Commission. After investigating the complaint, the Commission shall make an appropriate recommendation to the Special Representative of the Secretary-General, bearing in mind that no judge may be removed from office except on the ground of:

a) physical or mental incapacity which is likely to be permanent or prolonged;

b) serious misconduct;

c) failure in the due execution of office; or

d) having been placed, by personal conduct or otherwise, in a position incompatible with the due execution of office.

7.4 The above procedure shall also be followed mutatis mutandis in the case of a complaint against a prosecutor.

7.5 The Special Representative of the Secretary-General may remove from office a judge or prosecutor after taking into account the recommendation of the Commission under section 7.3 or 7.4 above.

Section 8
Emoluments and facilities

8.1 The honorarium to be paid to the members of the Commission shall be determined by the Special Representative of the Secretary-General.

8.2 The facilities required for the functioning of the Commission shall be provided by the Special Representative of the Secretary-General.

Section 9
Applicable law

This regulation shall supersede any provision in the applicable laws relating to the appointment and removal from office of judges and prosecutors which is inconsistent with it.

Section 10
Final and transitional provisions

10.1 This regulation shall enter into force on 7 September 1999

10.2 UNMIK emergency decrees 1999/1, 1999/2 are hereby repealed. However, judges, prosecutors and other judicial personnel provisionally appointed pursuant to these decrees shall continue to hold office until their respective terms expire.

Bernard Kouchner
Special Representative of the Secretary-General